

By Banuelos

S.B. No. 439

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain athletic trainers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1, Chapter 498, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4512d, Vernon's Texas Civil Statutes), is amended by amending Subdivision (1) and adding Subdivision (5) to read as follows:

(1) "Athletic Trainer" means a person with specific qualifications, as set forth in Section 9 of this Act, who, upon the advice and consent of his team doctor [physician] carries out the practice of prevention and/or physical rehabilitation of injuries incurred by athletes. To carry out these functions the Athletic trainer is authorized to use physical modalities such as heat, light, sound, cold, electricity, or mechanical devices related to rehabilitation and treatment.

(5) "Doctor" means a person who is licensed to practice medicine by the Texas State Board of Medical Examiners under the Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes) or a person who is licensed to practice podiatry by the Texas State Board of Podiatry Examiners under Chapter 11, Title 71, Revised Statutes.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the

1 constitutional rule requiring bills to be read on three several
2 days in each house be suspended, and this rule is hereby suspended,
3 and that this Act take effect and be in force from and after its
4 passage, and it is so enacted.

1 By: Barrientos

S.B. No. 439

2 (In the Senate - Filed February 12, 1991; February 14, 1991,
3 read first time and referred to Committee on Health and Human
4 Services; April 3, 1991, reported adversely, with favorable
5 Committee Substitute by the following vote: Yeas 7, Nays 0;
6 April 3, 1991, sent to printer.)

7 COMMITTEE VOTE

	Yea	Nay	PNV	Absent
8 Brooks	x			
9 Truan				x
10 Harris of Tarrant	x			
11 Johnson	x			
12 Krier	x			
13 Lyon	x			
14 Moncrief	x			
15 Montford				x
16 Zaffirini	x			

18 COMMITTEE SUBSTITUTE FOR S.B. No. 439

By: Brooks

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24 Legislature, Regular Session, 1971 (Article 4512d, Vernon's Texas
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28 qualifications, as set forth in Section 9 of this Act, who, upon
29 the advice and consent of his team doctor [physician] carries out
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31 injuries incurred by athletes. To carry out these functions the
32 Athletic trainer is authorized to use physical modalities such as
33 heat, light, sound, cold, electricity, or mechanical devices
34 related to rehabilitation and treatment.

35 (5) "Doctor" means a person who is licensed to
36 practice medicine by the Texas State Board of Medical Examiners
37 under the Medical Practice Act (Article 4495b, Vernon's Texas Civil
38 Statutes), a person who is licensed to practice podiatry by the
39 Texas State Board of Podiatry Examiners under Chapter 11, Title 71,
40 Revised Statutes, or a person who is licensed to practice
41 chiropractic by the Texas Board of Chiropractic Examiners under
42 Chapter 94, Acts of the 51st Legislature, Regular Session, 1949
43 (Article 4512b, Vernon's Texas Civil Statutes).

44 SECTION 2. The importance of this legislation and the
45 crowded condition of the calendars in both houses create an
46 emergency and an imperative public necessity that the
47 constitutional rule requiring bills to be read on three several
48 days in each house be suspended, and this rule is hereby suspended,
49 and that this Act take effect and be in force from and after its
50 passage, and it is so enacted.

51 * * * * *

52 Austin, Texas
53 April 3, 1991

54 Hon. Bob Bullock
55 President of the Senate

56 Sir:

57 We, your Committee on Health and Human Services to which was
58 referred S.B. No. 439, have had the same under consideration, and
59 I am instructed to report it back to the Senate with the
60 recommendation that it do not pass, but that the Committee
61 Substitute adopted in lieu thereof do pass and be printed.

62 Brooks, Chairman

FAVORABLY AS SUBSTITUTED
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 439
By Barrientos
(Author/Senate Sponsor)
Apr. 3 91
(date of submission to Senate)

Lt. Governor Bob Bullock
President of the Senate

Sir:

We, your Committee on Health & Human Services, to which was referred the attached measure,
have on Apr 2, 91, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

- ☒ do pass as substituted, and be printed
☒ the caption remained the same as original measure
☐ the caption changed with adoption of the substitute

☐ do pass as substituted, and be ordered not printed

☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☒ yes ☐ no

An actuarial analysis was requested. ☐ yes ☐ no

Considered by subcommittee. ☐ yes ☐ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Brooks, Chairman	<input checked="" type="checkbox"/>			
Truan, Vice Chairman	<input checked="" type="checkbox"/>		X	
Harris, C.	<input checked="" type="checkbox"/>			
Johnson	<input checked="" type="checkbox"/>			
Krier	<input checked="" type="checkbox"/>			
Lyon	<input checked="" type="checkbox"/>			
Moncrief	<input checked="" type="checkbox"/>			
Montford			X	
Zaffirini	<input checked="" type="checkbox"/>			
TOTAL VOTES	7	0	2	

COMMITTEE ACTION

- ☒ S260 Considered in public hearing
☒ S270 Testimony taken

Sandra Bernal-Malone
COMMITTEE CLERK

Brooks
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill along with TWO copies of the Committee Substitute
Deliver one copy of this form to the Calendar Clerk, Room 218 Capitol
Deliver one copy of this form to the Legislative Reference Library, Room 207B Capitol
Retain one copy of this form for Committee files

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 8, 1991

**TO: Honorable Chet Brooks, Chairman
Committee on Health and Human
Services
Senate Chamber
Austin, Texas**

**IN RE: Senate Bill No. 439
By: Barrientos**

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 439 (relating to the regulation of certain athletic trainers) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

**Source: Texas State Board of Medical Examiners;
LBB Staff: JO, JWH, DF, ML, PA**

By: Barrientos

S.B. No. 439

~~Substitute the following for S.B. No. 439:~~

~~By: [Signature]~~

~~C.S.S.B. No. 439~~

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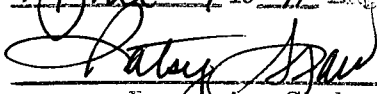
Chapter 94, Acts of the 51st Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas Civil Statutes).

1/2

43-91
4-17-91

1 ~~Revised Statutes.~~

2 SECTION 2. The importance of this legislation and
3 the crowded condition of the calendars in both houses create
4 an emergency and an imperative public necessity that the
5 constitutional rule requiring bills to be read on three
6 several days in each house be suspended, and this rule is
7 hereby suspended, and that this Act take effect and be in
8 force from and after its passage, and it is so enacted.

April 17 1971 Engrossed

Engraving Clerk

By: Barrientos

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ME
S.B. No. 439

1 SECTION 2. The importance of this legislation and the
2 crowded condition of the calendars in both houses create an
3 emergency and an imperative public necessity that the
4 constitutional rule requiring bills to be read on three several
5 days in each house be suspended, and this rule is hereby suspended,
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7 passage, and it is so enacted.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 5, 1991

**TO: Honorable Chet Brooks, Chairman
Committee on Health and Human
Services
Senate Chamber
Austin, Texas**

**IN RE: Committee Substitute for
Senate Bill No. 439**

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for Senate Bill No. 439 (relating to the regulation of certain athletic trainers) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

**Source: Texas State Board of Medical Examiners;
LBB Staff: JO, JWH, DF, ML, PA**

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

March 8, 1991

TO: Honorable Chet Brooks, Chairman
Committee on Health and Human
Services
Senate Chamber
Austin, Texas

IN RE: Senate Bill No. 439
By: Barrientos

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 439 (relating to the regulation of certain athletic trainers) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: Texas State Board of Medical Examiners;
LBB Staff: JO, JWH, DF, ML, PA

S.B. No.

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By

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AN ACT: relating to the regulation of certain athletic trainers.

2/12/91

Filed with the Secretary of the Senate

FEB 14 1991

Read and referred to Committee on HEALTH & HUMAN SERVICES

Reported favorably

APR 3 1991

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

APR 17 1991

Senate and Constitutional Rules to permit consideration suspended by:

unanimous consent

years, nays

APR 17 1991

Read second time, , and ordered engrossed by:

unanimous consent
a viva voce vote

years, nays

Caption ordered amended to conform to the body of the bill.

APR 17 1991

Senate and Constitutional 3 Day Rule suspended by a vote of 28 yeas, 1 nays.

APR 17 1991

Read third time, , and passed by:

A viva voce vote

28 yeas, 1 nays

Betty King

SECRETARY OF THE SENATE

OTHER ACTION:

April 17, 1991

Engrossed

April 18, 1991

Sent to House

Engrossing Clerk

Daisy Gaur

APR 18 1991

Received from the Senate

APR 29 1991

Read first time and referred to Committee on PUBLIC HEALTH

Reported favorably amended, sent to Printer at

Printed and Distributed

Sent to Committee on Calendars

Read Second time (amended); passed to third reading (failed)

by (Non-Record Vote) Record Vote of years, nays present not voting.

Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of years, nays present not voting.

Read third time (amended): finally passed (failed) by a (Non-Record Vote) Record Vote of

years, nays present not voting.

Caption ordered amended to conform to body of bill.

Returned to Senate.

CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

Returned from House with amendments.

Concurred in House amendments by a viva voce vote years, nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman; _____, _____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by: _____

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays